

REMARKS

Applicants have carefully reviewed the Office Action dated February 25, 2003. Applicants have amended Claims 1 and 16 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1-30 stand rejected in the present application. Claims 1-5, 10-11, 15-20, 25-26 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,666,293 to Metz et al. (*Metz*) in view of U.S. Patent No. 5,935,004 to *Tarr et al.* (*Tarr*). Claims 6, 12-14, 21 and 27-29 were rejected over these references and also in view of U.S. Patent No. 5,894,516 to *Brandenburg*. Claims 7-8 and 22-23 stand rejected in view of the above references and further in view of U.S. Patent No. 5,003,384 to *Durden*. With respect to the amended claims, these rejections are respectfully traversed.

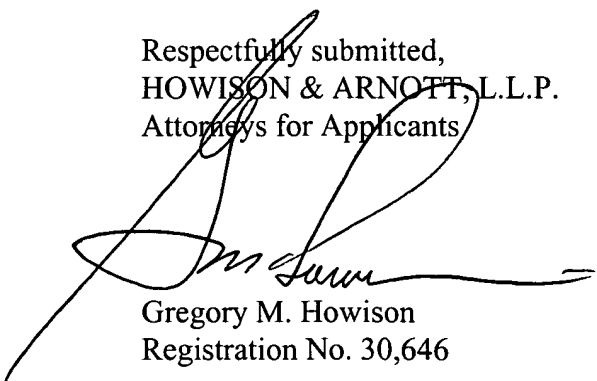
Applicants have amended the independent Claims 1 and 16 to further clarify the invention. As set forth in the amended claims, Applicants' present inventive concept is directed toward downloading of a software data stream over a broadcast channel at a scheduled time. In addition to the software data stream, there is provided in association therewith a unique ID. This ID is associated with a user such that it is unique to that user. Once the software is downloaded in response to the user monitoring device recognizing the software as having the unique ID that is associated with that monitoring device, then the unique ID is deleted from the monitoring device such that the software cannot further be downloaded by that user, *i.e.*, the user can only obtain a single copy of the software.

The *Metz et al.* reference discloses the downloading of operating system software with a version number associated therewith. Each system or terminal box can receive this operating system and compare its version number with the version number that is currently downloaded. This version number has no association with a particular user or even a particular terminal. Each terminal can receive the software. Once the software is downloaded, it will have the version number associated therewith. There

is no provision to delete this version number due to the fact that, if it were deleted, then the next transmission of the operating system would cause the operating system to again be updated. It is important that the version code not be deleted in the *Metz* reference. Neither the *Tarr* reference, nor any of the other cited references, disclose the concept of association with a particular software broadcast a unique ID for the user. Nor do any of the references teach or in any way suggest deleting the unique ID after the software has been downloaded. As such, none of the cited references, taken singularly or in combination, obviate or render unpatentable Applicants' present inventive concept, as defined by the amended claims. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection with respect to Claims 1-30.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,767 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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AMENDMENT AND RESPONSE
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